



U.S. Environmental Protection Agency, Region 2  
Response and Prevention Branch  
2890 Woodbridge Ave, MS 211  
Edison, New Jersey 08837

April 3, 2018

Mr. Patrick Charles  
Patrick Charles Enterprises, Inc.  
P.O. Box 308358  
Charlotte-Amalie, St. Thomas 00803

Re: Notice of Federal Interest in an Oil Pollution Incident

Dear Mr. Charles:

This letter is to inform you that a discharge or a substantial threat of a discharge of oil was discovered flowing into storm drains and storm sewer systems which flow into Krum Bay, a navigable waterway in the Subbase area downgradient from the Puma USVI Fuel Services St. Thomas Terminal on St. Thomas, U.S. Virgin Islands. The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA). Under the OPA, the responsible party is liable for clean-up costs and damages resulting from the incident. A responsible party is the owner, operator, or person in charge of a facility or vessel from which the oil is discharged or poses a threat of discharge.

If you are a responsible party, you should clean up the discharged oil and/or take other actions to prevent or mitigate or minimize the threat of a discharge of oil. If you are a responsible party and do not act, the United States may respond for you and take such actions that are necessary to remove the discharged oil or to minimize or mitigate the threat. **The U.S. costs to respond to this incident will be billed to, and recovered from, the responsible party.**

You are advised that a responsible party may lose the opportunity to limit their liability for cleanup under OPA if the responsible party fails or refuses to provide all reasonable cooperation and assistance requested by a responsible official in connection with response activities. A responsible party who fails to comply with a Federal On-Scene Coordinator (FOSC) order to remove the discharge or to an administrative order to protect the public health and welfare may be subject to additional penalties. Under the CWA, a civil penalty can amount up to \$37,500 per day of violation or up to three times the costs incurred by the Oil Spill Liability Trust Fund to conduct removal actions.



U.S. Environmental Protection Agency, Region 2  
Response and Prevention Branch  
2890 Woodbridge Ave, MS 211  
Edison, New Jersey 08837

If a responsible party takes adequate removal actions in this matter, federal removal actions will usually be limited to monitoring the progress of your actions and providing guidance as necessary. A removal is being done properly if it is done in accordance with federal and state statutes and regulations and in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). If you undertake the removal action, the adequacy of such action shall be evaluated by the FOSC. Under the CWA, a responsible party could also be liable for penalties for discharges of oil which enter any navigable waters of the United States and adjoining shorelines. These penalties would be in addition to penalties and liability for failure to properly remove the spill. A responsible party's actions may be taken into account in determining the amount of any penalty assessed as a result of the incident.

If you have any questions regarding this incident, please contact me at (908) 420-4510.

Respectfully,

A handwritten signature in black ink, appearing to read "Kimberly Staiger", written over a horizontal line.

Kimberly Staiger  
Federal On-Scene Coordinator  
U.S. EPA Region 2

CC: USCG National Pollution Funds Center